

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YADIRA GALVAN, as Special Administrator of)
the Estate of JAIME GALVAN, Deceased,)
)
Plaintiff,)

v.)

No. 07 CV 05954

City of Chicago Police Sergeant HENRY HARRIS)
(Star # 2602), City of Chicago Police Officer)
KEITH OLSON (Star # 19520), City of Chicago)
Police Officer ROBERT BLOMQUIST)
(Star # 4799), City of Chicago Police Officer E.)
LOUIS (Star # 3775/3779), City of Chicago)
Police Officer MARK DEL BOCCIO)
(Star # 11709), City of Chicago Lieutenant)
GRAPENTHEIN (Star # 556), City of Chicago)
Police Officer CARR (Star # 6259), City of)
Chicago Police Sergeant DAVID C. BETZ)
(Star # 1063), and UNKNOWN CITY OF)
CHICAGO POLICE OFFICERS,)
)
Defendants.)

Honorable Matthew F. Kennelly

FIRST AMENDED COMPLAINT

The Plaintiff, YADIRA GALVAN as Special Administrator of the Estate of JAIME GALVAN, Deceased, by and through her attorneys COCHRAN, CHERRY, GIVENS, SMITH & MONTGOMERY, LLC, complaining of the Defendants, City of Chicago Police Sergeant HENRY HARRIS (Star # 2602), City of Chicago Police Officer KEITH OLSON (Star # 19520), City of Chicago Police Officer ROBERT BLOMQUIST (Star # 4799), City of Chicago Police Officer E. LOUIS (Star # 3775/3779), City of Chicago Police Officer MARK DEL BOCCIO (Star # 11709), City of Chicago Lieutenant GRAPENTHEIN (Star # 556), City of Chicago Police

Officer CARR (Star # 6259), City of Chicago Police Sergeant DAVID C. BETZ (Star # 1063), and UNKNOWN CITY OF CHICAGO POLICE OFFICERS, and states as follows:

PARTIES

1. Plaintiff YADIRA GALVAN is the duly appointed Special Administrator of the Estate of JAIME GALVAN, deceased.

2. On information and belief, Defendants, City of Chicago Police Sergeant HENRY HARRIS (Star # 2602), City of Chicago Police Officer KEITH OLSON (Star # 19520), City of Chicago Police Officer ROBERT BLOMQUIST (Star # 4799), City of Chicago Police Officer E. LOUIS (Star # 3775/3779), City of Chicago Police Officer MARK DEL BOCCIO (Star # 11709), City of Chicago Lieutenant GRAPENTHEIN (Star # 556), City of Chicago Police Officer CARR (Star # 6259), City of Chicago Police Sergeant DAVID C. BETZ (Star # 1063), and UNKNOWN CITY OF CHICAGO POLICE OFFICERS, (hereinafter “Defendants”) are and at all relevant times were, citizens of the United States and residents of Cook County, Illinois.

3. On information and belief, Defendants are and at all times relevant were, sworn police officers of the City of Chicago, acting under color of state law.

FACTS

4. At approximately 6:30 p.m. on February 9, 2006, at or around 200 W. Van Buren, in Oak Park, Illinois, JAIME GALVAN was detained, arrested, and taken into custody by City of Chicago enforcement officer ROBERT BLOMQUIST (Star # 4799) and/or KEITH OLSON (Star # 19520).

5. Upon arrest, JAIME GALVAN was placed in the rear of an unmarked police vehicle by Officer KEITH OLSON (Star # 19520) and transported by Officer OLSON to the 15th

District police station of the City of Chicago.

6. Between the hours of 6:30 p.m. and 6:50 p.m. on February 9, 2006, JAIME GALVAN was placed in a holding room by Officer KEITH OLSON (Star # 19520). A custodial search was performed by City of Chicago police officers, which allegedly revealed an amount of U.S. currency that was not counted at the time.

7. At approximately 8:30 p.m. on February 9, 2006, JAIME GALVAN was transported from the 15th District police station to 3440 W. Fillmore, Chicago, Illinois, by Officers E. LOUIS (Star # 3775/3779) and MARK DEL BOCCIO (Star # 11709) upon the request of Sergeant DAVID C. BETZ (Star # 1063).

8. At approximately 8:40 p.m., JAIME GALVAN arrived at 3340 W. Fillmore in Chicago, Illinois, where police officers completed a pat down of GALVAN's person. According to Lieutenant GRAPENTHEIN (Star # 556) of the City of Chicago Gang Intelligence Section, GALVAN was secured in holding cell B or room number 267 on the second floor, where he was handcuffed to the wall in the cell. No other detainees were in holding cell B with GALVAN.

9. Officer CARR (Star # 6259), desk officer at 3440 W. Fillmore, Chicago, Illinois, allegedly conducted 15-minute checks on the detainees, including JAIME GALVAN.

10. At approximately 11:30 p.m. on February 9, 2006, Sergeant HENRY HARRIS (Star # 2602) claims that he observed JAIME GALVAN snoring in his cell.

11. At approximately 11:58 p.m. on February, 9, 2006, Officers KEITH OLSON (Star # 19520) and/or ROBERT BLOMQUIST (Star # 4799) allegedly entered holding cell B to interview JAIME GALVAN, whereupon GALVAN was discovered unresponsive and deceased with his left hand cuffed to the prisoner rail in the holding cell.

12. Autopsy reports reveal that the cause of JAIME GALVAN's death was asphyxia and that GALVAN's body contained injuries and marks consistent with his having been strangled.

13. Sometime between the hours of 6:30 p.m. and 11:58 p.m. on February, 9, 2006, one or more of Defendants, City of Chicago Police Sergeant HENRY HARRIS (Star # 2602), City of Chicago Police Officer KEITH OLSON (Star # 19520), City of Chicago Police Officer ROBERT BLOMQUIST (Star # 4799), City of Chicago Police Officer E. LOUIS (Star # 3775/3779), City of Chicago Police Officer MARK DEL BOCCIO (Star # 11709), City of Chicago Lieutenant GRAPENTHEIN (Star # 556), City of Chicago Police Officer CARR (Star # 6259), City of Chicago Police Sergeant DAVID C. BETZ (Star # 1063) and UNKNOWN CITY OF CHICAGO POLICE OFFICERS strangled, and/or exerted excessive physical force upon JAIME GALVAN, while in police custody, without proper cause or justification.

14. At all relevant times and in particular during the time JAIME GALVAN was detained and restrained by handcuffs, JAIME GALVAN presented no threat of imminent harm to Defendants or others.

15. Defendants' actions taken against JAIME GALVAN were made with malice and/or deliberate indifference and were unjustified, unreasonable, and grossly disproportionate to the actions of JAIME GALVAN, if any.

COUNT I- 42 U.S.C. § 1983 EXCESSIVE FORCE
(As to all Defendants)

1-15. Plaintiff re-alleges and incorporates by reference paragraphs 1-15 of this Complaint as though fully set forth herein.

16. By and through the above the above conduct, one or more of Defendants, City of Chicago Police Sergeant HENRY HARRIS (Star # 2602), City of Chicago Police Officer KEITH OLSON (Star # 19520), City of Chicago Police Officer ROBERT BLOMQUIST (Star # 4799), City of Chicago Police Officer E. LOUIS (Star # 3775/3779), City of Chicago Police Officer MARK DEL BOCCIO (Star # 11709), City of Chicago Lieutenant GRAPENTHEIN (Star # 556), City of Chicago Police Officer CARR (Star # 6259), City of Chicago Police Sergeant DAVID C. BETZ (Star # 1063), and UNKNOWN CITY OF CHICAGO POLICE OFFICERS used and caused to be used unjustified force against JAIME GALVAN, deceased, and failed to intervene to prevent the unjustified use of force by their co-Defendants.

17. The conduct of Defendants as described above, was objectively unreasonable, constituted the use of excessive force, and deprived JAIME GALVAN of his rights as guaranteed him under the Fourth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Plaintiff YADIRA GALVAN, as Special Administrator of the Estate of JAIME GALVAN, deceased, prays for judgment in her favor and against Defendants, City of Chicago Police Sergeant HENRY HARRIS (Star # 2602), City of Chicago Police Officer KEITH OLSON (Star # 19520), City of Chicago Police Officer ROBERT BLOMQUIST (Star # 4799), City of Chicago Police Officer E. LOUIS (Star # 3775/3779), City of Chicago Police Officer MARK DEL BOCCIO (Star # 11709), City of Chicago Lieutenant GRAPENTHEIN (Star # 556), City of Chicago Police Officer CARR (Star # 6259), City of Chicago Police Sergeant DAVID C. BETZ (Star # 1063), and UNKNOWN CITY OF CHICAGO POLICE OFFICERS in an amount in excess of the jurisdictional limit of this Court, for reasonable

attorney fees and costs, and any additional relief as the Court shall deem just and proper.

Respectfully submitted,

s/ Marion Cruz
One of Plaintiff's Attorneys

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